REMARKS

A. Request for Reconsideration

Applicants have carefully considered the matters raised by the Examiner in the outstanding Office Action but remain of the position that patentable subject matter is present. Applicants respectfully request reconsideration of the Examiner's position based on the Declaration of Mr. Goto and the following remarks.

B. The Invention

The present invention is directed to a photothermographic material with high sensitivity, low photographic fog and excellent storage stability. In one of the novel aspects of the invention, the photosensitive layer and/or the non-photosensitive layer of the photothermographic material contains a compound of Formula (1) and a compound of Formula (2a).

C. Status of the Claims

Claims 1-36 are pending in the Application. Claims 18-36 have been allowed over the art while claims 1-17 stand rejected. No claim amendments have been made at this time.

D. The Office Action

Claims 1-5 and 9-17 have been rejected as being unpatentable over Yoshioka (US 6,413,712) in view of Murray (US 5,686,228). The Examiner has cited compounds II-16, II-17, II-30 and II-31 at cols. 13-18 of Yoshioka as falling within the scope of Formula (2a) of claim 1. The propenenitrile compound at col. 4, lines 9-26 of Murray has been cited as falling within the scope of Formula (1) of claim 1. The Examiner has taken the position that it would be obvious to add the compound of Murray to the material of Yoshioka to increase the contrast of the material.

Claims 1-17 have been rejected as being unpatentable over Yamada (US 6,586,170). The Examiner has pointed to the alkene derivatives of formulas (1)-(14) in cols. 2-3 of Yamada as falling within the scope of Formula (1) of claim 1. Formula (R-I) at col. 62 of Yamada has been cited to teach Formula (2a) of claim 1. The Examiner has recognized that Yamada fails to specifically teach the simultaneous use of a compound of formulas (1)-(14) of Yamada and a compound of formula (R-I) of Yamada, but the Examiner has taken the position that Yamada suggests using these compounds simultaneously (page 3, lines 13-14 of the Office Action). Thus, the Examiner has stated that the present invention is obvious over Yamada.

1. Yoshioka and Murray do not suggest the superiority of a photothermographic material having a compound of Formula (1) and a compound of Formula (2a)

Applicants have enclosed a Declaration of Mr. Goto to demonstrate the superiority of the photothermographic material of the present invention.

Mr. Goto prepared Comparative Sample 701 in accordance with Sample 107 of Example 1 of the present invention, except that compound (1)-133 was not employed and compound (2)-1 was replaced by compound II-31 at col. 17 of Yoshioka. Comparative Sample 701 therefore contains a compound of Formula (2a) of claim 1 and no compound of Formula (1). Comparative Sample 701 is representative of the teachings of Yoshioka.

Next, Mr. Goto prepared Inventive Sample 702 similarly to Comparative Sample 701, except that compound PR-04 at col. 8 of Murray was included. Inventive Sample 702 is representative of the present invention since it contains a compound of Formula (1) of claim 1 and a compound of Formula (2a) of claim 1.

Mr. Goto evaluated Samples 701 and 702 in accordance with the evaluation method of Example 1 of the present invention. The results of the evaluations are illustrated in Table 7 of the Declaration.

Table 7 demonstrates that Inventive Sample 702 is superior to Comparative Sample 701 due to the decreased initial photographic fog, the increased initial sensitivity, the low increase in photographic fog after thermal development, the low increase in maximum density after thermal development, and the improved color tone. Yoshioka and Murray do not teach or suggest the improved photothermographic material exhibited by Inventive Sample 702.

Applicants therefore respectfully submit that the present invention is not obvious over the combination of Yoshioka and Murray, since Yoshioka and Murray do not teach or suggest that a photothermographic material having a compound of Formula (1) and a compound of Formula (2a) exhibits improvements in initial fog, initial sensitivity, photographic fog after thermal development, maximum density after thermal development and color tone.

2. Yamada does not suggest the superiority of a photothermographic material having a compound of Formula (1) and a compound of Formula (2a)

Similar to Samples 701 and 702 discussed above, Mr. Goto prepared and evaluated Samples 703 and 704 to demonstrate the superiority of the present invention.

Comparative Sample 703 was prepared in accordance with Sample 107 of Example 1 of the present invention, except that compound (1)-133 was replaced by compound 38 at col. 9 of Yamada, and compound (2)-1 was not employed. Comparative Sample 703 therefore contains a compound of Formula (1) of claim 1 and no compound of Formula (2a).

Next, Mr. Goto prepared Inventive Sample 704 similarly to Comparative Sample 703, except that compound R-I-5 in Table 23 at col. 64 of Yamada was included. Inventive Sample 704 contains a compound of Formula (1) of claim 1 and a compound of Formula (2a) of claim 1.

Mr. Goto evaluated Samples 703 and 704 in the same manner as Samples 701 and 702. The results of the evaluations are illustrated in Table 7 of the Declaration.

Table 7 demonstrates that Inventive Sample 704 is superior to Comparative Sample 703 due to the decreased initial photographic fog, the increased initial sensitivity, the low increase in photographic fog after thermal development, the low increase in maximum density after thermal development, and the improved color tone. Yamada does not suggest the improved photothermographic material properties exhibited by Inventive Sample 704.

The Examiner has taken the position that Yamada suggests the use of a compound of Formula (1) and a compound of Formula (2a) of the invention (page 3, lines 13-14 of the Office Action). However, the Examples of Yamada illustrated in Tables 30-36 do not appear to contain a compound of Formula (2a) of claim 1. Thus, it appears that Yamada does not suggest the decreased initial photographic fog, the increased initial sensitivity, the low increase in photographic fog after thermal development, the low increase in maximum density after thermal development, and the improved color tone exhibited by Inventive Sample 704 of the Declaration.

Applicants therefore respectfully submit that the present invention is not obvious over Yamada, since Yamada does not appear to teach or suggest that a photothermographic material having a compound of Formula (1) and a compound of Formula (2a) exhibits improvements in initial fog, initial sensitivity, photographic fog after thermal development, maximum density after thermal development and color tone.

E. Conclusion

In view of the foregoing and the enclosed, it is respectfully submitted that the application is in condition for allowance and such action is respectfully requested.

Should any extensions of time or fees be necessary in order to maintain this Application in pending condition, appropriate requests are hereby made and authorization is given to debit Account # 02-2275.

Respectfully submitted,

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Encl: Executed Declaration of Mr. Narito Goto
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